

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division**

UNITED STATES OF AMERICA,

v.

ZACKARY ELLIS SANDERS,

Defendant.

Case No. 1:20-cr-00143  
The Honorable Judge Ellis

Pretrial Conference: May 7, 2021  
Trial: July 12, 2021

**MEMORANDUM IN SUPPORT OF MOTION TO SEAL DEFENDANT’S REPLY TO  
GOVERNMENT’S OPPOSITION TO DEFENDANT’S MOTION TO FILE REDACTED  
VERSIONS OF TRANSCRIPTS AND EXHIBITS ON THE PUBLIC RECORD**

**I. INTRODUCTION**

Zackary Ellis Sanders, by counsel, moves this Honorable Court, pursuant to Local Crim. R. 49, for entry of an Order permitting portions of his Reply to Government’s Opposition to Defendant’s Motion to File Redacted Versions of Transcripts and Exhibits on the Public Record (“Reply”) and the entirety of exhibits thereto under seal. Sealing is necessary because it contains information that is currently subject to the protective order (ECF No. 28).

**II. ARGUMENT**

Portions of the Reply and the entirety of exhibits thereto should be sealed because they contain information that is currently subject to the protective order, in particular the name of the target website (or would allow members of the public to deduce the name of the target website). It is true that judicial proceedings are generally open to the public and that there exists, while not a First Amendment right, a common law right of public access to judicial records and documents. *Media Gen. Operations, Inc. v. Buchanan*, 417 F.3d 424, 429 (4th Cir. 2005) (citing *Balt. Sun Co. v. Goetz*, 886 F.2d 60, 64-65 (4th Cir. 1989)). The presumption of the right of access can be

rebutted if countervailing interests heavily outweigh the public interests in access. *Virginia Dep't of State Police v. Washington Post*, 386 F.3d 567, 575 (4th Cir. 2004). The party seeking to overcome the presumption bears the burden of showing some significant interest that outweighs the presumption. *Id.* at 575. Ultimately the decision to seal is a matter best left to the sound discretion of the district court. *Washington Post*, 386 F.3d at 575.

Finally, sealing, as opposed to redaction, of the exhibits is necessary to protect the name of the target website.

### III. CONCLUSION

Defendant respectfully requests that the Court enter an Order providing that Defendant's Reply to Government's Opposition to Defendant's Motion to File Redacted Versions of Transcripts and exhibits on the Public Record and exhibits thereto shall be permanently filed under seal.

Respectfully submitted,

ZACKARY ELLIS SANDERS  
By Counsel

Respectfully submitted,

/s/

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*Counsel for Defendant Zackary Ellis Sanders*

**CERTIFICATE OF SERVICE**

I hereby certify on this 5<sup>th</sup> day of May 2021, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to counsel of record.

/s/ Jonathan Jeffress  
Jonathan Jeffress